

STAYTON PLANNING COMMISSION
MEETING MINUTES
May 31, 2011

COMMISSIONERS: Ralph Lewis – Chairperson
Ellen Nunez – Vice-Chairperson
Carl Sampson
Doug Cudahey
Michelle Wonderling
Rich Hatfield

STAFF MEMBERS: Dan Fleishman, Planning & Development Director
Dave Kinney, Public Works Director

OTHERS PRESENT: James Wampler, Susan Horvat, Mark Grenz, Wayne Lierman, Pat Lierman, Dan Brummer, Reece Bourdeau

- 1. CALL TO ORDER: Chair Lewis opened the meeting at 7:04 pm.**
- 2. INTRODUCTION OF NEW MEMBER: Rich Hatfield was introduced as the newest member of the Planning Commission. He was appointed at the May 16, 2011 Council meeting.**
- 3. APPROVAL OF MINUTES:**
 - a. Cudahey moved and Sampson seconded that the minutes of April 25, 2011, be approved as presented. The motion was approved unanimously.
- 4. PUBLIC HEARING – LAND USE FILE #2-04/11 Legislative Amendment to the Land Use and Development Code to increase the allowable height of flagpoles in the commercial, industrial and downtown zones**

Chairman Lewis read the introductory statement and rules of procedure. Mr. Lewis inquired if there were any questions or challenges related to public notice, participation of any of the Planning Commissioners, declarations of conflict of interest, ex parte conflict or bias. There were none.

Fleishman presented the staff report. He informed the Commission he has recently denied an application for the placement of a 35-foot tall flag pole. The proposed height of the flagpole in the denied application exceeded the 20-foot height restriction in the Commercial zone. After the staff denial, the City Council heard testimony from the applicant that the Stayton Municipal Code requirements for flagpole heights were too restrictive. The City Council concurred and directed the staff to prepare a code amendment for consideration by the Planning Commission. The proposed amendment was prepared to modify the provisions of the Code to allow for placement of flag poles in the commercial zone up to a height of 35 feet, or 110% of the height of the building, whichever is greater.

Proponents: No testimony was presented.

Opponents: No testimony was presented.

Questions from the Planning Commission: Sampson asked if there are any reasons for rejecting

this proposal. Fleishman indicated that some cities regulate flag pole height to prevent the placement of very large oversize flags in commercial zones. Fleishman recommends approval of the proposed amendment.

Lewis closed the hearing at 7:08 p.m.

The Commission deliberated briefly on the issue. Cudahey moved and Nunez seconded to approve the file #2-04/11, a legislative amendment to the Stayton Municipal Code to increase the allowed height for flag poles. The motion passed unanimously.

5. PUBLIC HEARING – LAND USE FILE #9-04/10 Review of Detailed Development Plan for Master Planned Development, Application of Susan Horvat at 400 to 600 Block of E Florence Street

Lewis announced that this is the continuation of a public hearing from the April 2011 meeting, and declared the hearing open at 7:10 p.m. Lewis presented the opening statement and asked if there was objection to the notice, jurisdiction of the Planning Commission to hear the case, declarations of conflict of interest, ex parte contact or bias. There were none.

Staff Report:

Fleishman indicated the applicant submitted a new development plans just prior to the public hearing. Fleishman indicated the City will need time to review the submittals and that he recommends the hearing be continued to the July 2011 Commission meeting.

Applicant's Presentation:

Mark Grenz, 115 13th St., Salem (applicant's engineers and planners): Grenz indicated the applicant has submitted a new set of plans for the project. He presented the changes to plans which address issues raised by the Public Works and Planning departments in their staff reports.

Grenz stated the Old Mill Village is a 6.48 acre planned development. The project includes 55 lots, 34 attached single family residences, 20 detached single family residential lots, and 13 apartment units. The project includes 31,295 square feet of open space (11% of total area) that is retained in public ownership or under the control of a Homeowners Association. Two of these open spaces provide access to Stayton's Riverfront Park via the recently installed pedestrian bridge and to Pioneer Park via a future bridge over the Salem Ditch.

Grenz indicated the project has an environmentally friendly design. Pervious pavement surfaces to allow rain water to exfiltrate to the soil. Rain gardens will be required on individual lots to control storm water runoff. There will be no additional runoff from the project site. The project also includes a bio-swale as an overflow area. This is not expected to be needed due to the design of the proposed pervious pavement and rain garden system which is designed to handle storm water runoff for up to a 100-year storm event. The City Engineer has reviewed and approved the storm drainage system design calculations.

Pathway: Grenz indicated that the pedestrian path has been eliminated along Tract A, adjacent to the Stayton Power Canal. Access to the new pedestrian bridge over the Stayton Power Canal is addressed by the City acquisition of Lot 17 to the east of the bridge approach.

Open Space: Applicant proposes private open space in Tract "A", Tract "B"-turnaround, Tract "D" – along Salem Ditch. These spaces would be under control of the Homeowner's Association. Tract "B" – entry to the pedestrian bridge would be dedicated to the public. Access drives (NW to rear access) and toward Pioneer Park would be limited open space.

Sales Agreement to the City: Lot 17 will be sold to the City adjacent to the access pathway to the pedestrian bridge. Grenz stated the applicants want Lot 17 to be part of the final subdivision plat. This is one of the first issues where the applicant and City diverge. By including Lot 17 on the final subdivision plat, the City will be a signer of the plat and therefore be a member of the Homeowner's Association.

Water Main Looping: The applicants have been in discussion with the Mill Stream Woods PUD homeowners association regarding the construction of a new water main to loop back to the Mill Stream Woods development and provide for a redundant fire flow capacity to both the Mill Stream Woods and Old Mill Village development. Grenz indicated that their proposal has minor differences with the staff recommendations and city design standards for the water easement width and location.

Pervious Concrete: Grenz presented several slides showing pervious concrete with water flowing through it and open grading of the material. This material allows for water storage under the street and exfiltration of storm water through the pavement surfaces. In the event water migrates along the curbs of the street, water will flow into a series of 6 catch basins. These catch basins will also be used as monitoring points for the pervious concrete surface.

Bioswale: Grenz showed a sample bio-swale which will pull contaminants from storm water. He indicated that the bioswale is probably not needed, based on their analysis which shows the pervious concrete and rain gardens will handle storm water run-off from a 100-year storm.

Rain Garden: Grenz presented a sample cross section of a rain garden and then a slide of a rain garden within a development. He said homeowner's will be given "The Oregon Rain Garden Guide – A step by step guide for developing rain gardens". This will be part of the CC&Rs.

Storm Water Drainage Calculations were provided to the John Ashley, City Engineer. Grenz indicated that he believes this includes the details for maintenance of the storm water systems.

Street Vacation: The existing E Florence St right-of-way must be vacated through a separate public hearing process per ORS 271. This is now included in the plan sheet submittals. About 13,000 square feet will be vacated by the City.

Attached Homes w/ Florence Street Access – Slides of similar homes from the Portland area reflect the design concept for homes with living space extended over the driveway area.

Rear Access units with garages facing alleys. Street facing units with rear access do not have front driveways, but have landscaped front yard areas.

Conditions of Approval: The applicant presented a modified set of conditions of approval for consideration by the City. The proposed modified conditions read:

1. The Natural Resource Overlay District as outlined by City Staff shall be identified on the final plat.
2. Prior to the issuance of the Final Plat, the applicant will provide CC&Rs that outline ownership as determined by the City Council. The CC&Rs shall outline ownership and maintenance of the common open space.
3. Prior to the issuance of the Final Plat, the applicant shall submit a copy of the Articles of Incorporation of the Homeowners Association for review and approval by the City of Stayton Legal Department. The Articles of Incorporation of the Homeowner's Association shall specify how all common areas and facilities with the development will be maintained.
4. Prior to submittal of the Final Plat, City Council shall identify what areas (streets, open space) of the project are to be designated public or private.

5. Prior to issuance of the Final Plat, the developer will prepare and submit a development agreement for City/Developer shared improvements to the City of Stayton. These include the pedestrian bridge, off-site pedestrian walkways, the connection walkway and a future bridge to Pioneer Park or Wilderness Park on the north side of the Power Canal.
6. All sidewalk and intersection improvements shall be identified on the Final Plat as recommended by the Planning Commission.
7. The Articles of Incorporation of the Homeowner's Association shall include a maintenance program for annually sweeping, treating and vacuuming the pavement to keep the pavement pores open and functioning indefinitely. Prior to issuance of the Final Plat, the Articles of Incorporation of the Homeowners Association shall be submitted to the City.
8. Prior to issuance of the Final Plat, statements of general architectural and site design for the attached residential dwellings shall be submitted.
9. Prior to issuance of the Final Plat, the Plat shall designate that all private streets and common open space shall be owned and maintained by the Homeowner's Association.
10. When submitted, the Final Plat shall designate a public utility and access easement on the final plat for the entire length and width of the private street to the end of the cul-de-sac and a 7-foot wide public utility and sidewalk easement on both sides of the private street.
11. The applicant shall comply with either ORS 271 for the vacation of the private street or ORS 92 if the vacation is part of the subdivision platting process.
12. Prior to the issuance of the Final Plat, written approval from the Stayton Fire District of the design of the loop drive and alley shall be submitted.
13. When submitted, the Final Plat shall include a minimum of 67 dwelling units.
14. When submitted, the Final Plat shall include 5-foot sidewalks on E. Florence Street.
15. When submitted, the Final Plat shall include plans for the extension of a new sanitary sewer from Fourth Avenue through the project.
16. When submitted, the Final Plat shall include a new properly sized water main (minimum 8") [in] E. Florence Street from the 12-inch main on Third Avenue into and through the project, with some form of water main looping to the water grid.
17. Prior to issuance of the Final Plat, written approval of the proposed subdivision name from Marion County Surveyor's office shall be submitted.
18. Streets (as required by Public Works).
 - a. Florence Street improvements: Florence Street, from the east boundary of the City-owned community garden parcel to 4th Avenue, is a public street and shall be improved to the Public Works Standards from this easterly edge to the center of the 4th Avenue intersection. The public street section of Florence Street shall consist of a minimum 30-foot street improvement consisting of asphalt concrete pavement, curb and gutters, sidewalks, ADA ramps, street light(s), storm drainage, etc. A new 5' wide sidewalk on the south side of Florence Street shall be extended through the 4th Avenue intersection to an ADA ramp and curb radius at the intersection. The intersection improvements shall be shown on the plans.
 - b. 4th Avenue Street Improvements: Depending on the existing pavement condition, 4th Avenue shall be improved with a half-street improvement across the frontage of the property.
 - c. Pervious concrete pavement section. The submitted plans shall show the 8" pervious concrete pavement section over 12-inches drain rock storage layer with the appropriate rock size and drainage void ratio in accordance with the storm drainage report.
19. Water Main Design (as required by Public Works):
 - a. Water Main Design: The proposed water system design shows a looped system to the Mill Stream Woods development through a 10-foot easement centered between lots 29 and 30. City standards are for the easement to be located only on one property and not centered on

property lines. The easement width for a single waterline shall be 15-feet [see PWDS 102.08.A.5 and A.10]. The easement on the Wampler property shall be 15-feet wide and located on a single lot. The easement in the development Mill Stream Woods subdivision shall be located on one lot, but the City may allow the easement width to be reduced to 10-feet wide, depending on accessibility. This width exception will be further reviewed as part of the construction plans submittal.

- b. Public: Provisions of PWDS 102.08.A shall apply. The waterline main line shall be public with platted access, maintenance, and replacement easement. The conditions of the easement shall be such that the easement shall not be used for any purpose that would interfere with the unrestricted operation and maintenance of the utility. Under no circumstances shall a building or any other structure be placed over a utility or utility easement. This shall include overhanging structures with footings located outside the easement.

20. Grading and Drainage (as required by Public Works):

- a. Area Drains: It appears that some adjacent lots to the north of the project drain to the low-land area onsite that is shown to be filled in behind lots 37-41. An area drain behind lot 39 shall be provide in order to prevent storm water from ponding in this area. Same ponding issue appears to apply behind lot 30. Revise plans to include drainage provisions (and any easements) for this area.

21. Sewer (as required by Public Works):

- a. Sewer Main: The proposed sewer system shall be designed in accordance with Public Works and DEQ standards. Revise the sewer design to comply with the minimum pipe slope requirements.

22. Homeowner's Association Maintenance of Streets, Private Utilities and Common Open Space Area (as required by Public Works):

- a. CC&Rs: The CC&Rs shall specifically address maintenance of streets, storm drainage facilities, pathways, private utilities, landscaped areas and common spaces.
- b. O&M Plan: Prior to approval of the construction plans, the Developer shall submit a final operation and maintenance (O&M) manual and scheduled maintenance plan to the City for review and approval. The O&M manual and maintenance plan shall be developed for use by the Homeowner's Association. At minimum, the O&M manual shall address in detail the maintenance of the pervious concrete pavement within the streets, alleys, and driveways, and address in detail the pathway, rain gardens, bio-swales, and other storm water facilities, including the common landscaped areas and open spaces. Trash enclosure areas located adjacent to any LID shall also be addressed.

Grenz requested the Planning Commission approve the development as submitted with the modified conditions of approval.

Staff Report:

Fleishman indicated that the applicant has addressed many of the issues in the staff report, but he noted several items have not been addressed and these should be reviewed by the Planning Commission in a public forum rather than finalized between the applicant and the city staff.

Fleishman informed the Commission that Brent Stevenson, Manager for the Santiam Water Control District, submitted an email to the City requesting that the hearing be continued because he has not reached final resolution of issues between SWCD and the applicants.

Fleishman recommended that hearing be continued. He stated there are still several items which the Planning Commission required in the Commission's July 2009 preliminary plan approval, that have not been submitted or been addressed by the applicant as part of the final development plan submittal.

In response to the applicant's proposed "modified conditions of approval" Mr. Fleishman stated he would make several changes to make distinctions between the "Final Plat", the "final construction drawings", and the "final detailed development plan".

Questions from the Commission:

Sampson asked for clarification on the pathway. He stated that the Planning Commission had directed that the pathway in Tract "A" be included in the project, but that it has been removed from the proposal in tonight's presentation. Grenz responded that the applicants have removed the path in Tract "A" and it is not part of the development proposal.

Public Works Director David Kinney provided an explanation of the City staff perspective on the acquisition of the entry area to the pedestrian bridge over the Stayton Ditch and the removal of the pathway from the project. He stated the City has made an offer to purchase Lot 17 from the applicants as a wide entry to the pedestrian bridge and the offer has been accepted by the Wampler LLC. In earlier staff reports, the public works staff recommended a 30-foot access easement to the bridge to improve public safety, provide an attractive open space and provide an area for a bio-swale. The proposed acquisition of Lot 17 will serve these purposes and provide a potential overflow retention area and a possible site for handicapped accessible parking near the pedestrian bridge. Nunez asked if the removal of the pathway was a done deal and that the Commission's recommendation was rejected.

Grenz noted that the Planning Commission has the right to make its own decision regarding whether or not the pathway will be required and that the Planning Commission has the prerogative to make a decision different from the staff recommendation.

Proponents: No testimony provided.

Opponents: **Reese Bourdeau , 525** Mill Stream Woods: She expressed concern with the potential impact on the Mill Stream Woods development. She noted the water main in Mill Stream Woods is a 6" main and that last week the Mill Stream Woods Homeowner's Association voted to explore connection of a new water line to the east end of the water main in the Mill Stream Woods development. She asked how this will affect water flows. What happens if there is need for work on the water main? Lewis directed the question to Kinney. Kinney explained water lines are owned by the City and maintained by the City in both developments. He explained the City requires looping of water mains to guarantee fire flows and provide redundancy of flows.

Dan Brummer: Brummer strongly encouraged the Planning Commission to require public access along ditch and require the dedication of Tract "A" as public land. He stated that the path is part of the City's Recreation Trails Plan and should be complied with.

Governmental Agencies, General Testimony and Questions from the Public: No testimony.

Applicant's Summary:

Grenz provided a brief summary to address questions raised by the staff, Commission and public:

- A. The project is zero run-off development. Grenz stated the applicant has done soil tests, exfiltration test, water percolation tests and all of those tests show no impact to the Salem Ditch

and Stayton Ditch. Applicant is willing to provide SWCD access to the area along the Stayton Ditch for maintenance.

- B. The applicant requests the Planning Commission grant approval tonight and not continue the public hearing to July. He does not expect that some of the conditions of approval required at the preliminary plan approval will be addressed until you they get to the next stage of the development, the final plan and plat stage.
- C. Homeowners Association documents will address many of the details with management of the project and O&M manual and proposal for the storm water maintenance. He stated that the City's public works staff has not provided sufficiently detailed comments or questions on what they would like to see in the O&M requirements and maintenance schedule.
- D. Trails: The development will provide trail access to the pedestrian bridge to Riverfront Park and to the north to Pioneer Park. Although this deviates from the Trails Plan, the loop on Florence Street will provide access to the two park sites. This is ultimate goal of the trail plan and addresses concern of the Santiam Water Control District of keeping the public away from the Stayton Ditch (Power Canal).
- E. Mill Stream Woods will benefit from flow, pressure and reliability by looping the water system.

Plans that have been presented tonight address all of the issues raised by the Planning and Public Works staff. Grenz requests the Planning Commission provide direction to the staff to prepare a final order of approval.

Staff Summary:

Fleishman acknowledges that the new plans will address many of the items of concern listed in the staff report for this hearing. He stated the staff does not have concerns with the design concept for the storm system, but there is concern that the CC&Rs must demonstrate there is a commitment and investment on the part of the Homeowner's Association to address O&M issues and management of the development. These still need to be incorporated into their documents.

He stated that the City Council must decide who will own the open space and suggested this decision be made before the Planning Commission makes its decision on the application. He reiterated his recommendation that the hearing be left open for written submittals to a date certain or that the hearing be left open to the July meeting to have the applicant complete all items for the Commission.

Deliberation:

Cudahey indicates there are still disagreements between the applicant and the City. He recommends the staff to prepare a draft decision to prepare an order for consideration at the next regularly scheduled meeting. Nunez concurred. Hatfield expressed concern that there may not be agreements reached prior to the July meeting. Sampson generally concurs with other members about wanting to move forward with a decision, but has some concerns with the water control district's lack of attendance at the hearing. Lewis stated that he has concern with fairness for the proceedings. He noted that the Planning Commission has recommended that the pathway be included, but he is concerned that the staff made a deal outside these proceedings. Lewis expressed support for the project.

Lewis asked the Commission to decide whether or not to close the hearing. Four options were considered:

1. Keep hearing open.
2. Close the public hearing, but keep the written record open to a date certain.
3. Close the hearing, close the record and recommend approval.
4. Close the hearing, close the record and deny the application.

Grenz stated that he would prefer the items be addressed with a series of conditions of approval rather than bringing details back to the Planning Commission and that the Planning Commission make decisions on issues addressed during the public proceedings. Grenz indicated there is a draft agreement between the Santiam Water Control District and the Wampler LLC, but it has not been finalized.

Lewis closed the public hearing at 9:10 p.m.

Cudahey recommended proceeding with the project. Wonderling stated she is willing to accept the staff recommendation related to the public pathway along the Stayton Ditch. Sampson stated that he believes the Planning Commission should move forward. Fleishman says it is the Planning Commission's decision to approve or deny the proposal.

Motion: Cudahey moved and seconded by Nunez, that the Planning Commission approve the application of Susan Wampler representing Wampler Family LLC for detailed development plan of a master planned development partition (Land Use File# 9-04/10) with conditions to address the issues identified by Staff and direct the staff to prepare a draft order with findings, conclusions and conditions of approval for acceptance by the Planning Commission at the June 27, 2011 meeting. The motion passed 5:1(Sampson opposed).

4. ADJOURN

The meeting was adjourned at 9:15 p.m.

Ralph Lewis,
Planning Commission Chairperson

Date

ATTEST

Dan Fleishman,
City Planner

Date